



CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 09/06/05

AGENDA ITEM 5

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Resolution of Summary Vacation and Sale of a Portion of Huntwood Avenue

RECOMMENDATION:

It is recommended that the City Council adopt the attached Resolution pertaining to the summary vacation and sale of a portion of Huntwood Avenue.

DISCUSSION:

At its meeting of June 28, 2005, the City Council approved the Olson Company's application for Vesting Tentative Tract Map 7563. As the Council will recall, Tract Map 7563 consists of a 56-unit condominium project on the former site of the Redgwick Construction Company. As noted in the agenda report presented to the Council June 28, the development of this residential project requires the vacation of a portion of Huntwood Avenue.

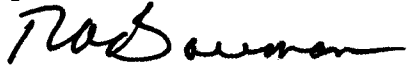
The underlying fee title to the northern portion of the original 40-foot right of way to be vacated belongs to the owner of Tract 7563. The underlying fee title of the remainder to be vacated belongs to the City. These portions of Huntwood Avenue were acquired for the Harder Road widening and under crossing projects. Upon vacation of the street, a total of 9,211 square feet will be sold to the developer of Tract 7563 for \$151,981.50, which has been established by staff as the fair-market value of this parcel based on \$16.50 per square foot. This per square foot price is the same amount paid by the Olson Company for the acquisition of the Redgwick property.

This action qualifies as a summary vacation as defined under of the California Streets and Highways Code. A summary vacation is appropriate based on the fact that the portion of Huntwood Avenue being vacated lies within the property being developed and is the only property being served by this end of Huntwood Avenue. Huntwood Avenue does not continue through the proposed subdivision or end touching the property of another subdivision. There are currently sewer, water, and public utilities within areas of the street to be vacated and provisions for new easements and their maintenance will be addressed in Tract 7563.

The effective date of the vacation will be when the Final Map for Tract 7563 is filed for recordation with the Alameda County Recorder.

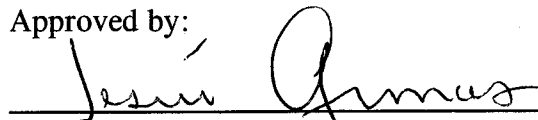
Under the California Environmental Quality Act Guidelines (CEQA), Section 15305, Class 5, Minor Alterations of Land Use Limitations and City Guidelines, the vacation of excess right-of-way is exempt from the Application of CEQA.

Prepared and Recommended by:



Robert A. Bauman, Acting Director of Public Works

Approved by:



Jesús Armas, City Manager

Attachments: Exhibit A: Plat of Vacation

NORMAN PAYNE
L.S. 4388
LICENSE EXPIRES 9/30/05

$N47^{\circ}42'30''E$
40.00

370.74

HUNTWOOD AVENUE
(FORMERLY RAILROAD ROAD)
40 WIDE

$S42^{\circ}17'30''E$

370.74

UNION PACIFIC RAILROAD
(FORMERLY CENTRAL PACIFIC RAILROAD)

$S42^{\circ}17'30''E$

511.49

TOTAL

$N47^{\circ}42'30''E$
40.00
56.00

$N42^{\circ}17'30''W$
16.00

$S89^{\circ}23'17''E$ (R)
 $R=28.00'$
 $\Delta=21^{\circ}43'23''$
 $L=10.62$

(RE: 2020 O.R. M. 702)

140.75

$R=42.00'$
 $\Delta=109^{\circ}41'07''$
 $L=80.40$

$R=50.00'$
 $\Delta=12^{\circ}31'36''$
 $L=10.93$

$S68^{\circ}22'31''E$ (R)

AREA = 9211 SQ. FT. +/-
0.21 Acre

$S23^{\circ}59'14''E$ (R)
4.69 89.32

$N77^{\circ}57'15''E$ 99.10

WEST HARDER ROAD
(VARIOUS WIDTH)

RIDGWICK CONSTRUCTION
COMPANY
(Recorder's Series No. 99303092)

=LIMITS OF STREET VACATION

=AREA TO BE SOLD BY CITY AFTER VACATION

CITY OF HAYWARD
ENGINEERING DIVISION

DRAWN BY: JWP DATE: 4-01-05

CHECKED BY: JWP SCALE: 1"=50'

APPD. BY APPROVED

CITY ENGINEER DR. PUBLIC WORKS

VACATION OF PORTION OF
HUNTWOOD AVENUE
(COUNTY ROAD 7736)

DWG. NO. 05013

FILED

SHT. 1 of 1

DRAFT

NH
8/22/05

HAYWARD CITY COUNCIL

RESOLUTION NO. 05-

Introduced by Council Member _____

**RESOLUTION OF SUMMARY VACATION AND SALE OF A
PORTION OF HUNTWOOD AVENUE**

WHEREAS, the developer of Tract 7563 has requested that the portion of Huntwood Avenue within the proposed development be vacated and sold so it can be utilized in the development; and

WHEREAS, upon vacation of the property, a total of 9,211 square feet will be sold to the developer of Tract 7563; and

WHEREAS, the Director of Public Works has advised that development of Tract 7563 will establish new easements, so there is no need for the City to reserve and except from the vacation any easement or right-of-way necessary to maintain, operate, replace, remove, or renew the public utility facilities; and

WHEREAS, pursuant to Section 15305, Class 5, Minor Alterations of Land Use Limitations and City Guidelines, this vacation and sale of property is exempt from California Environmental Quality Act (CEQA) Guidelines.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that, pursuant to California Streets and Highways Code section 8334, it is hereby ordered that the portion of Huntwood Avenue described in Exhibit "A" attached hereto and made a part hereof, is hereby vacated and the City Clerk is authorized and directed to cause a certified copy of this resolution to be recorded in the office of the County Recorder of Alameda.

BE IT FURTHER RESOLVED, that upon vacation of the street, a total of 9,211 square feet will be sold to the developer of Tract 7563 for \$151,981.50, which has been established by staff as the fair market value of this parcel based on \$16.50 per square foot.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2005

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: MAYOR:

ATTEST: _____

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward